

July 27, 2005
Case No.: PHB 34-221A (7790/229)
Serial No.: 09/978,114
Filed: October 15, 2001
Page 5 of 9

REMARKS

Claims 20-30. In the Final Office Action, Examiner Nguyen rejected pending claims 20-30 on various grounds. The Applicant responds to each ground of rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.114:

- A. Examiner Nguyen rejected pending claims 20-29 under 35 U.S.C. §102(c) as being anticipated by U.S. Patent No. 6,075,998 to *Morishima*

The Applicant has thoroughly considered Examiner Nguyen's remarks concerning the patentability of claims 20-29 over *Morishima*. The Applicant has also thoroughly read *Morishima*. To warrant this anticipation rejection of claims 20-29, *Morishima* must show each and every limitation of independent claims 20, 23 and 25 in as complete detail as is contained in independent claims 20, 23 and 25. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of independent claims 20, 23 and 25, because *Morishima* fails to disclose and teaches away from the following limitations of independent claims 20, 23 and 25:

1. "a receiver operable to receive an incoming message excluding at least one of a melody identification signal and a melody signal" as recited in independent claims 20 and 25; and
2. "receiving the incoming message excluding at least one of a melody identification signal and a melody signal" as recited in independent claim 23.

Specifically, *Morishima* discloses and claims a process whereby (1) if a melody signal is present in a call signal received by a pager as indicated by a melody identification symbol after a message (e.g., message]]melody signal), then the pager

July 27, 2005

Case No.: PHB 34-221A (7790/229)

Serial No.: 09/978,114

Filed: October 15, 2001

Page 6 of 9

composes and plays a melody from the melody signal (i.e., the melody is not composed from the message), and (2) if a melody signal is not present in a call signal received by a pager by an omission of the melody identification symbol after the message, then the pager plays a melody previously composed with the pager (i.e., the melody is not composed from the message). See, *Morishima* at column 7, line 26 to column 8, line 7; and column 17, line 27 to column 18, line 25.

By comparison, the present invention teaches a reception of call signal including an incoming message in the form of a numeric message, alphanumeric message or a voice mail, and excluding any type of melody identification signal and melody signal for the inclusion of the melody signal after the message within the call signal. Thus, when an incoming message as taught by the present invention is received by a pager taught by *Morishima*, the pager of *Morishima* plays a melody previously composed with the pager and does not play a melody composed from the message itself.

Withdrawal of the rejection of independent claims 20, 23 and 25 under 35 U.S.C. §102(e) as being anticipated by *Morishima* is therefore respectfully requested.

Claims 21 and 22 depends from independent claim 20. Therefore, dependent claims 21 and 22 include all of the elements and limitations of independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claims 21 and 22 are allowable over *Morishima* for at least the same reason as set forth herein with respect to independent claim 20 being allowable over *Morishima*. Withdrawal of the rejection of dependent claims 21 and 22 under 35 U.S.C. §102(e) as being anticipated by *Morishima* is therefore respectfully requested.

Claim 24 depends from independent claim 23. Therefore, dependent claim 24 includes all of the elements and limitations of independent claim 23. It is therefore respectfully submitted by the Applicant that dependent claim 24 is allowable over *Morishima* for at least the same reason as set forth herein with respect to independent claim 23 being allowable over *Morishima*. Withdrawal of the rejection of dependent

July 27, 2005
Case No.: PHB 34-221A (7790/229)
Serial No.: 09/978,114
Filed: October 15, 2001
Page 7 of 9

claim 24 under 35 U.S.C. §102(e) as being anticipated by *Morishima* is therefore respectfully requested.

Claims 26-29 depend from independent claim 25. Therefore, dependent claims 26-29 include all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claims 26-29 are allowable over *Morishima* for at least the same reason as set forth herein with respect to independent claim 25 being allowable over *Morishima*. Withdrawal of the rejection of dependent claims 26-29 under 35 U.S.C. §102(e) as being anticipated by *Morishima* is therefore respectfully requested.

- B. Examiner Nguyen rejected pending claim 30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,075,998 to *Morishima* in view of U.S. Patent No. 6,064,666 to *Wilmer* et al.

Claim 30 depends from independent claim 25. Therefore, dependent claim 30 includes all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claim 30 is allowable over *Morishima* in view of *Wilmer* for at least the same reason as set forth herein with respect to independent claim 25 being allowable over *Morishima*. Withdrawal of the rejection of dependent claim 30 under 35 U.S.C. §103(a) as being patentable over *Morishima* in view of *Wilmer* is therefore respectfully requested.

Claims 31-36: Claims 31-33 depend from independent claim 1. Therefore, dependent claims 31-33 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 31-33 are allowable over the art of record for at least the same reason as set forth herein with respect to independent claim 1 being allowable over the art of record, particularly *Morishima*. An allowance of dependent claims 31-33 is therefore respectfully requested.

July 27, 2005

Case No.: PHB 34-221A (7790/229)

Serial No.: 09/978,114

Filed: October 15, 2001

Page 8 of 9

Claims 34-36 depend from independent claim 25. Therefore, dependent claims 34-36 include all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claims 34-36 are allowable over the art of record for at least the same reason as set forth herein with respect to independent claim 25 being allowable over the art of record, particularly *Morishima*. An allowance of dependent claims 34-36 is therefore respectfully requested.

July 27, 2005

Case No.: PHB 34-221A (7790/229)

Serial No.: 09/978,114

Filed: October 15, 2001

Page 9 of 9

SUMMARY

Examiner Nguyen's anticipation and obviousness rejections of claims 20-30 have been obviated by the remarks herein supporting an allowance of claims 20-30 over *Morishima*. The Applicant respectfully submits that pending claims 20-36 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Nguyen is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: **July 27, 2005**Respectfully submitted,
Richard H. Jones

PHILIPS INTELLECTUAL PROPERTY
& STANDARDS
P.O. Box 3001
Briarcliff, New York 10510
Phone: (914) 333-9612
Fax: (914) 332-0615

Dicran Halajian
Registration No. 39,703
Attorney for Applicant



CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113

Darrin Wesley Harris
Registration No. 40,636
Attorney for Applicants